

Sentence Review Division  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto:shellysmith@mt.gov)

SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

AUG 25 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-08-309
	)	
Plaintiff,	)	Lewis & Clark County District Court
	)	Montana First Judicial District
-vs-	)	
	)	<b>DECISION</b>
DUANE RONALD BELANUS,	)	
	)	
Defendant.	)	

On August 13, 2009, the Defendant was sentenced as follows: Counts I and II: Life in Prison, without the possibility of parole, for the offense of Sexual Intercourse Without Consent as Aggravated by the Defendant's Infliction of Bodily Injury While Committing the Offense, a Felony, in violation of §§45-5-503 and 45-5-503(3)(a) MCA;

Count III: Life in Prison, without the possibility of parole, for the offense of Aggravated Kidnapping, a Felony, in violation of §45-5-30(1)(d);

Count IV: A commitment to prison for ten (10) years, for the offense of Burglary, a Felony, in violation of §45-6-204, MCA;

Count V: A commitment to the Lewis and Clark County Jail for six (6) months, all suspended, for the offense of Theft, a Misdemeanor, in violation of §45-6-301(1)(c), MCA;

Count VI: A commitment to prison for ten (10) years, for the offense of Tampering With or Fabricating Physical Evidence, a Felony, in violation of §45-7-207(1)(a), MCA.

The sentences in Counts I - VI were ordered to run concurrently with each other. The Defendant was ordered to pay restitution to the victim of his offenses in the amount of \$2,864.01; pay the Montana Crime Victim's Compensation Fund \$1,136.60; and pay the Lewis and Clark County Detention Center \$4,070.72 for the cost of his medical care relating to medical conditions

or injuries that were not the result of the actions of other inmates, plus an administrative handling fee. The Defendant was designated a Level 2 Sex Offender. The Defendant was granted credit for time served from August 2, 2008 – August 13, 2009.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana State Prison and was represented by David Maldonado, Defense Counsel, who appeared by video from Missoula, Montana. The State was represented by Leo Gallagher, Lewis and Clark County Attorney, who appeared by video from Helena, Montana. The Defendant provided a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also to increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

At the hearing, the Division informed the Defendant that before David Maldonado was appointed to represent him there were various filings submitted by the Defendant for the Division's consideration. The filings were dated October 15, 2019. A review of those filings indicate various challenges to the convictions underlying the District Court's sentencing in this matter. To the extent the Defendant's filings sought to challenge the basis for his underlying convictions, the Defendant was further informed that the Division lacks authority to consider the same and the Defendant's request to challenge any basis of any of the Defendant's underlying convictions was DENIED at the outset of the hearing.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is either clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7<sup>th</sup> day of August, 2020.

DATED this 25<sup>th</sup> day of August, 2020.

SENTENCE REVIEW DIVISION

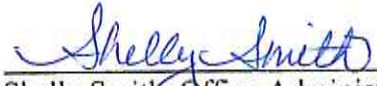
  
\_\_\_\_\_  
Hon. Dan Wilson, Chairperson

  
\_\_\_\_\_  
Hon. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 25<sup>th</sup> day of August, 2020, to:

Clerk of District Court – *via email*  
Duane Ronald Belanus #3003449, Defendant  
Hon. Michael McMahon – *via email*  
David Maldonado, Defense Counsel – *via email*  
State Office of the Public Defender – *via email*  
Leo Gallagher, Esq. – *via email*  
Montana State Prison Records Dept. - *via email*  
Board of Pardons and Parole - *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division